

**RULES
OF
MILITARY DEPARTMENT OF TENNESSEE**

**CHAPTER 0930-2-1
RULES FOR NATIONAL GUARD TUITION ASSISTANCE**

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0930-2-1-.01 PURPOSE AND SCOPE.

- (1) To establish the policy, effective 1 July 2004, to be used for administering the Tennessee National Guard Tuition Assistance Scholarship Program [hereinafter called the “Program”]. The Program is managed under the guidance of the Adjutant General on a fair and equitable basis with limited funds appropriated annually by the state Legislature. The purpose of the program is to recruit and retain members of the Tennessee National Guard [hereinafter called the “TNG”].

Authority: Public Acts of 2004; Chapter 477. **Administrative History:** Original rule filed July 29, 2004; effective November 26, 2004.

0930-2-1-.02 DEFINITIONS.

- (1) The following terms shall have the meanings set forth in the rule:
 - (a) Educational Institution. Any accredited state supported university, community college, or vocational or technical school or any private college or any university located within the State of Tennessee.
 - (b) Program. The Tennessee National Guard Tuition Assistance Scholarship Fund administered by the Adjutant General of Tennessee.
 - (c) STAAB. State Tuition Assistance Advisory Board.
 - (d) The office of the J1. The office of primary responsibility for the program, the Director of Human Resources.
 - (e) Tuition. The cost of instruction delineated in a catalog of an educational institution for a semester, quarter, or classroom hour.
 - (f) TNG. Tennessee National Guard.
 - (g) Unsatisfactory Participant. A member of the TNG who has accumulated nine (9) or more unexcused absences from unit training assemblies within a twelve (12) month period, or who, without proper authority, failed to attend or complete the entire period of annual training, or is otherwise barred from favorable personnel actions.

Authority: Public Acts of 2004; Chapter 477. **Administrative History:** Original rule filed July 29, 2004; effective November 26, 2004.

0930-2-1-.03 SUBJECT TO FUNDING AVAILABILITY.

- (1) Meeting the eligibility criteria as outlined in Rule 0930-2-1-.06 does not obligate the TNG to award its scholarship. Tuition assistance scholarships can not be awarded if funds are depleted.

Authority: *Public Acts of 2004; Chapter 477. Administrative History:* *Original rule filed July 29, 2004; effective November 26, 2004.*

0930-2-1-.04 PROGRAM ADMINISTRATION.

- (1) The Program will be administered by the Education Services Office [hereinafter called the “ESO” for Army] or Base Education and Training Manager [hereinafter called the “BETM” for Air].

Authority: *Public Acts of 2004; Chapter 477. Administrative History:* *Original rule filed July 29, 2004; effective November 26, 2004.*

0930-2-1-.05 SCOPE OF TUITION ASSISTANCE SCHOLARSHIPS.

- (1) TNG members who meet the prerequisites in Rule 0930-2-1-.06 may receive a tuition assistance scholarship based upon available funds. Courses that are audited or are taken as “pass/fail” do not qualify and will not be approved for payment. Courses must be taken for academic credit or a certificate of completion. This program will provide funding for a course only once.
- (2) The Tuition Assistance Scholarship must be paid to an educational institution [not to the individual]. “Educational Institution” is defined as any accredited state-supported university, community college, or vocational or technical school or any private college or university located within the State of Tennessee.
- (3) Regardless of the state of residence, a member of the TNG who has met the eligibility requirements of these Rules and is attending a Tennessee educational institution, as defined above, qualifies for the same tuition assistance scholarship amount as an instate resident. However, it will not be used for an increase in tuition due to out of state tuition costs.
- (4) In no case will the combination of this tuition assistance scholarship with any other tuition assistance program exceed 100% of the student’s tuition cost, and shall not exceed the amount of in-state tuition assistance the member would receive if the member were enrolled at a state supported institution.

Authority: *Public Acts of 2004; Chapter 477. Administrative History:* *Original rule filed July 29, 2004; effective November 26, 2004.*

0930-2-1-.06 ELIGIBILITY. To qualify for a TNG tuition assistance scholarship pursuant to Rule 0930-2-1-.05, the TNG members must satisfy all the following conditions:

- (1) Be a member of the TNG on or before the first day of class for the semester, trimester, quarter, or term and have successfully completed basic military training or received a commission on or before the first day of class for the semester, trimester, quarter, or term.
- (2) Be a satisfactory participant in the TNG. An “unsatisfactory participant” is a member of the TNG who has accumulated nine (9) or more unexcused absences from unit training assemblies within a twelve (12) month period, or who, without proper authority, failed to attend or complete the entire period of annual training, or is otherwise barred from favorable personnel actions.
- (3) Must serve in the TNG beyond the end of the term for which the tuition assistance scholarship is granted.
- (4) The recipient must complete all courses in the semester for which benefits are received.

(Rule 0930-2-1-.06, continued)

Authority: Public Acts of 2004; Chapter 477. **Administrative History:** Original rule filed July 29, 2004; effective November 26, 2004.

0930-2-1-.07 CESSATION OF BENEFITS. The tuition assistance scholarship will permanently cease upon the member meeting any of the following conditions:

- (1) Accumulation of 150 credit hours (semester), or the equivalent of the TNGs tuition assistance scholarship funding.
- (2) Unsatisfactory participation by the TNG member as defined in Rule 0930-2-1-.06.

Authority: Public Acts of 2004; Chapter 477. **Administrative History:** Original rule filed July 29, 2004; effective November 26, 2004.

0930-2-1-.08 RESTITUTION.

- (1) A TNG member shall repay the State of Tennessee the full tuition assistance scholarship amount received for each course during the preceding semester, trimester, quarter or term that:
 - (a) The member failed to complete with a passing grade the course or courses for which he/she received the scholarship within 60 days of the originally scheduled course end date.
 - (b) The member fails to produce grade report to the ESO/BETM within 60 days of the originally scheduled course end date.
 - (c) The member becomes an unsatisfactory participant with the TNG, as described in Rule 0930-2-1-.06.
- (2) The TNG member may retake the course at their own expense. A passing grade at that time will preclude the member from making restitution for the expense of the original course.
- (3) If the member does not fulfill the member's contractual obligation to the TNG as defined in Rule 0930-2-1-.06, the Adjutant General [or designee] shall notify the member in writing that the member is liable for restitution, and the member shall repay the State of Tennessee the full amount of the tuition assistance scholarship received during the last school year.
- (4) The member may appeal the requirement to make restitution pursuant to this paragraph if the member files a written notice of intent to appeal with the Adjutant General within 30 days notice that the member is liable for restitution. During the appeal process the requirement of restitution is postponed. If the Adjutant General determines that the matter meets the requirements for restitution, the Adjutant General shall inform the member of this determination. The member shall then make restitution within 60 days to the State of Tennessee for those courses for which the Adjutant General determines the member is liable. The decision of the Adjutant General is final and may not be appealed.

Authority: Public Acts of 2004; Chapter 477. **Administrative History:** Original rule filed July 29, 2004; effective November 26, 2004.

0930-2-1-.09 APPLICATION PROCESS.

- (1) Members of the TNG who meet the requirements of Rule 0930-2-1-.06 may apply using the "Tennessee National Guard Tuition Assistance Scholarship Application Form", in accordance with annual guidance from the Adjutant General. A member must apply for each semester, trimester, quarter, or term for which they intend to utilize the scholarship.

(Rule 0930-2-1-.09, continued)

- (2) The member will forward the completed and signed application to their respective ESO/BETM. The ESO/BETM will review applications for eligibility, accuracy, completeness, and priority category before being forwarded to the State Tuition Assistance Advisory Board [hereinafter called the "STAAB"]. Incomplete or invalid forms will be returned without action.
- (3) Applications must be submitted to the ESO/BETM no later than the 10th day of the month prior to the class start month.
- (4) Approval authority may be granted by the Adjutant General to the J-1/STAAB President. After Board review, the form will be signed and forwarded to the state budget office for funds obligation and then returned to the ESO/BETM for distribution to the applicant. Applications declined will be returned to the ESO/BETM without action. All participants must file a degree plan with the ESO/BETM after accumulation of nine (9) semester hours at an institution. The degree plan will detail all required courses needed to fulfill degree requirements. If a student's degree goal has changed, a new degree plan must be filed. Courses that do not support the current degree plan will not be funded.

Authority: Public Acts of 2004; Chapter 477. **Administrative History:** Original rule filed July 29, 2004; effective November 26, 2004.

0930-2-1.10 PRIORITY OF FUNDING. As with any program that has fiscal limitations, funding priorities should be clear and consistent with the intent of this program. The primary intent of this program is to recruit and retain members of the TNG. All reasonable efforts will be made to fulfill all eligible applications.

- (1) Priority 1. Members pursuing an undergraduate degree.
- (2) Priority 2. Members pursuing certification at a vocational/technical institution.
- (3) Priority 3. Members without a graduate degree who are pursuing a degree or those members who are pursuing a professional certification, i.e. teacher or principal certification, CPA, etc.

Authority: Public Acts of 2004; Chapter 477. **Administrative History:** Original rule filed July 29, 2004; effective November 26, 2004.

0930-2-1.11 OVERSIGHT.

- (1) The office of primary responsibility is the office of the J-1.
- (2) For the purpose of rendering recommendations and guidance for this program, the Adjutant General will appoint a State Tuition Assistance Advisory Board to consist of the following members, with additional members appointed as necessary:
 - (a) J-1.
 - (b) Education Services Officer [Army].
 - (c) Military Personnel Management Officer [Air].
 - (d) Recruiting and Retention Manager [Army].
 - (e) Recruiting and Retention Superintendent [Air].
 - (f) Senior NCO/Officer from a Field Unit [Army].
 - (g) Senior NCO/Officer from a Field Unit [Air].

(Rule 0930-2-1-.11, continued)

- (3) The STAAB will have voting privileges for the purpose of conducting Board business.
- (4) The STAAB will meet as required or at the call of the Adjutant General.

Authority: *Public Acts of 2004; Chapter 477. Administrative History: Original rule filed July 29, 2004; effective November 26, 2004.*

0930-2-1-.12 WAIVER OF RULE.

- (1) The Adjutant General can waive any rule contained in 0930-2-1 not required by statute when it is in the best interest of the State of Tennessee and the Tennessee National Guard.

Authority: *Public Acts of 2004; Chapter 477. Administrative History: Original rule filed July 29, 2004; effective November 26, 2004.*